

REMARKS

I. Formalities

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of the certified copy of the priority document submitted on September 8, 2003.

Applicant also thanks the Examiner for indicating that the Formal Drawings filed on January 6, 2006 are accepted.

II. Status of the Application

Claims 1-6 are all the claims pending in the Application. Claims 1-6 have been rejected.

The present response addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

III. Claim Rejections under 35 U.S.C. §103

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0158580 to Uemura et al. (hereinafter “Uemura”) in view of U.S. Patent No. 4,594,529 to de Vrijer (hereinafter “de Vrijer”). Applicant respectfully traverses these rejections for *at least* the independent reasons stated below.

Neither Uemura, de Vrijer, nor any combination thereof, teaches or suggests all the recitations of claim 1. For instance, independent claim 1 recites the feature of “wherein said both ends of the light emitting tube are sealed by molybdenum pipes in which the electrodes are fixed and held respectively.” The grounds of rejection allege that the two electrodes 1b, as taught in Figure 1 of Uemura, correspond to “electrodes opposed to each other,” as recited in claim 1. The grounds of rejection further allege that the outer conductive wires 3, as taught in Uemura,

correspond to “pipes,” as recited in claim 1. (03/23/06 Office Action, page 3, line 1). Thus, the grounds of rejection allege that “both ends of the light emitting tube are sealed by pipes (3) with which the electrodes are fixed and held respectively” (emphasis added). (03/23/06 Office Action, page 3, line 1).

However, in contrast to the Examiner’s allegations, claim 1 explicitly requires that “both ends of the light emitting tube are sealed by molybdenum pipes in which the electrodes are fixed and held respectively” (emphasis added). Uemura fails to teach or suggest that the outer conductive wires 3 are pipes in which the electrodes 1b are fixed and held respectively, as required by claim 1. In fact, Uemura teaches quite the opposite—that the outer conductive wires 3 do not make any contact whatsoever with the electrodes 1b. (Figure 1; Figure 9). Indeed, Uemura teaches that the outer conductive wires 3 are separated from the electrodes 1b by a substantial distance and, thus, Uemura does not teach, and cannot possibly suggest, that the outer conductive wires 3 are pipes in which the electrodes 1b are fixed and held respectively, as recited in claim 1.

Likewise, de Vrijer fails to remedy the deficient teachings of Uemura. De Vrijer also teaches that the wire 3 does not make any contact whatsoever with the electrode 2. (Figure 1). Quite to the contrary, de Vrijer teaches that the wire 3 is separated a substantial distance from the electrode 2. (Figure 1). Therefore, de Vrijer does not teach, and is incapable of suggesting, that the wires 3 are pipes in which the electrodes 2 are fixed and held respectively, as recited in claim 1. As such, Applicant submits that claim 1 is patentable over Uemura, de Vrijer, and any combination thereof, for *at least* these reasons.

Moreover, the Examiner is required to give the claims in the present application their broadest reasonable interpretation consistent with the specification. (In re Bond, 910 F.2d 831, 833, 15 U.S.P.Q.2d 1566, 1568 (Fed. Cir. 1990)). Applicant submits that one of ordinary skill in the art would not interpret the term “molybdenum pipes,” as recited in claim 1, to correspond to a “wire,” as disclosed in either Uemura or de Vrijer. To the contrary, Applicant submits that a skilled artisan would not think of a molybdenum pipe and a wire interchangeably. Indeed, as recited in claim 1, the term “molybdenum pipes” refers to a pipe in the most general sense of the term, since claim 1 requires that the electrodes are fixed and held in the molybdenum pipes.

In addition, the grounds of rejection have failed to identify any proper motivation to combine the teachings of Uemura with those of de Vrijer, in the specific manner proposed. When relying on several references, it is incumbent upon the Examiner to identify some suggestion to combine the references. (In re Mayne, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997)). Obviousness cannot be established by simply combining the references, absent some suggestion or teaching within the references supporting the combination. (Carella v. Starlight Archery, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986)).

Here, the grounds of rejection allege that de Vrijer teaches that pipes with which light emitting tubes are sealed are usually made from molybdenum. (03/23/06 Office Action, page 3, lines 3-4). However, this allegation is entirely unsupported by de Vrijer. In contrast to the allegations in the grounds of rejection, de Vrijer merely teaches that the wire 3, in one specific embodiment taught therein, is generally made of molybdenum. (Column 3, lines 63-65). De Vrijer provides no teaching or suggestion that most pipes with which light emitting tubes are

sealed are usually made from molybdenum, or that such molybdenum pipes would be readily available.

Furthermore, even if de Vrijer did teach that molybdenum pipes were readily available (which Applicant firmly submits that de Vrijer does not), de Vrijer provides no teaching or suggestion whatsoever that combining the molybdenum wire 3, taught therein, with the metal halide lamp taught in Uemura, in the specific manner proposed by the grounds of rejection would ease the manufacturing process, or that such a combination would provide any benefit whatsoever.

Applicant respectfully notes that the Examiner's position in this regard is mere speculation. The Examiner has not set forth any evidence (*i.e.*, references) that would indicate that one of ordinary skill in the art would include de Vrijer's molybdenum wire 3, with the metal halide lamp taught in Uemura, in order to ease the manufacturing process. Accordingly, if the Examiner decides to persist in these grounds of rejection, Applicant respectfully requests that the Examiner substantiate his allegations with evidentiary support.

Further, Applicant submits that claim 2 is patentable over the cited references *at least* by virtue of its dependency on claim 1.

The Examiner has also rejected claims 3-6 under 35 U.S.C §103(a) as being unpatentable over Uemura, in view of de Vrijer, and further in view of European Patent 0859246 to Uchiyama et al. (hereinafter "Uchiyama"). In view of the similarity between the requirements of independent claims 3-4 and 6, and the requirements discussed above with respect to independent claim 1, Applicant submits that arguments analogous to the foregoing arguments as to the

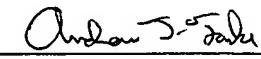
patentability of independent claim 1 demonstrate the patentability of claims 3-4 and 6. Further, Applicant submits that the dependent claim 5 is allowable at least by virtue of its dependency on claim 4.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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